

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LOWELL T. CORMIER, *et al.*,

Plaintiffs,

v.

DISCOVER BANK, *et al.*,

Defendants.

Case No. C04-2537L

ORDER DENYING MOTION
FOR RECONSIDERATION

This matter comes before the Court on a motion for reconsideration filed by defendants Patrick Layman; Krista White; Bishop, Lynch & White, P.S.; and Bishop, White, Miersma & Marshall, P.S. (collectively, the “law firm defendants”) (Dkt. #77). On September 16, 2005, the Court issued an order regarding outstanding motions which granted all remaining defendants’ motions for summary judgment and denied the law firm defendants’ motion for sanctions on the grounds that they had not served notice of the motion as required by Fed. R. Civ. P. 11(c)(1)(A). (Dkt. #75). The law firm defendants filed this timely motion for reconsideration requesting that the Court reconsider its denial of their motion for sanctions.

The law firm defendants contend that they served a copy of the motion on plaintiffs as required by Rule 11, and that they filed proof of that service with the Court as Docket #58 on

1 June 10, 2005. The referenced certificate of service is in the record, and the date on it shows
2 that the law firm defendants caused documents to be served on plaintiffs on May 16, 2005.
3 However, the certificate of service does not state that the motion for sanctions was served;
4 instead, it contains general language identical to that used in their other filings. (Dkt. #58,
5 certifying service of “the documents to which this certificate is attached”). The motion for
6 sanctions and the supporting declaration are devoid of any statement that notice had been
7 provided to the plaintiffs, and they do not reference the certificate of service, which appears as a
8 separate entry in the docket.¹ Moreover, although plaintiffs explicitly argued in their response to
9 the motion that defendants had not complied with Rule 11's notice requirement, the law firm
10 defendants did not file a reply to address that issue.

11 For all of the foregoing reasons, the Court DENIES the law firm defendants’ motion for
12 reconsideration (Dkt. #77).

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14 DATED this 28th day of September, 2005.

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17 Robert S. Lasnik
18 United States District Judge
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24 ¹ The parties have an obligation to call the Court’s attention to relevant evidence; the
25 Court is not required to comb the record to find evidence that supports defendants’ motion. Cf.
26 Forsberg v. Pac. Northwest Bell Tel. Co., 840 F.2d 1409, 1418 (9th Cir. 1988) (“The district
27 judge is not required to comb the record to find some reason to deny a motion for summary
28 judgment”).